

TRUANCY & CURFEW PRACTICES

The Lack of Consistency and Uniformity and its Impact on San Diego County

SYNOPSIS

Given the high profile of issues concerning truancy and curfew practices dealing with San Diego County youth, the Grand Jury conducted a study of these issues with particular emphasis upon interagency, inter-school, parental, student and general community coordination of programs and effort. Parents, schools, law enforcement, the Courts, and general community-based organizations and programs have a stake in the successful implementation of truancy and curfew policies and regulations. Whereas, it is not the intent of the Grand Jury to suggest that truancy and curfew enforcement share parallel or similar form and process, it is, as this report attests, the Grand Jury's intent to illuminate that one of the root causes of these social problems, i.e. *parental responsibility*, is fundamentally common to both.

San Diego County is fortunate to have a broad spectrum of policy, program and implementation devices dealing with truancy and curfew. The County is not so fortunate when it comes to coordination of effort, sharing of resources, or learning from each other's successes and failures in dealing with truants and curfew violators. A proactive involvement with students and their families before truancy and curfew violations occur would result in reduced costs to the County, both in terms of money and social well being.

ISSUES

The primary concerns which guided the Grand Jury's decision to study the various issues dealing with truancy and curfew focused on whether or not the people of San Diego County receive reasonable or adequate value from all the effort and resources employed in truancy and curfew programs. All, or nearly all, groups, organizations and agencies dealing with youth in San Diego County have programs and policies addressing truancy and curfew.

All curfew laws and ordinances throughout the County are well written and clearly understandable. However, many children and parents (or guardians) are confused about the different curfew hours in various locations of the County. For example, a youngster from Coronado (11:00pm curfew) could travel to La Mesa

(10:00pm curfew) to roller skate and be stopped for curfew violation upon arrival in La Mesa.

Equally confusing is the unequal or inconsistent application of School Attendance Review Board (SARB) policies from school district to school district. This inequity was found most notably between a school with strict, closed campus rules with regular truancy sweeps, and a nearby school with an open campus and little regard for truancy enforcement. Although the end results of these programs and policies consistently address the improved welfare of San Diego County youth, the means of achieving those results differ broadly due to lack of consistency, applicability and accountability among and within the various programs.

BACKGROUND

Aside from the curfew laws and ordinances of San Diego County and the eighteen incorporated cities, the California Education Code and local school policies dealing with truancy are clear and straight forward in their meaning and intent. Additionally, each school district has a framework available for creating and implementing a School Attendance Review Board (SARB). A SARB is a form and structure with the ability to enforce school attendance policy in compliance with the California Education Code.

These SARBs were created by the Legislature in 1974 and are supported by and guided by the San Diego County Office of Education. Each SARB is governed by a community-based board composed of parents, representatives from the school district, and members of the community-at-large, including law enforcement, welfare, probation, and various other agencies dealing with youth.

PROCEDURES EMPLOYED

To comprehend and appreciate the scope and importance of truancy and curfew issues in San Diego County, the Grand Jury consulted with, reviewed and/or discussed policies, practices and procedures dealing with truants and curfew violators with the following:

- San Diego County Sheriff's Department
- City of San Diego Police Department (including San Diego City School Police)
- San Diego County Office of Education
- 28 of 42 School Districts in San Diego County
- Juvenile Court
- SARB (School Attendance Review Board) members

Eighteen incorporated cities of San Diego County
Various classroom teachers, special education teachers and various
vocational education specialists
California Education Code
State Senator

FACTS

- A. Most, if not all, juveniles caught up in the justice system (for whatever reason) are truants and curfew violators.¹
- B. Truancy and curfew violation practices are learned behaviors established by children at early ages, prior to high school and middle school years.²
- C. The majority of truants and curfew violators function in an environment lacking parental involvement, supervision and responsibility.³
- D. The cost of pro-active, intervening actions teaching parents the importance of responsible parenting and education for their children is more than offset by eventual costs for later reactive actions such as juvenile detention, court and crime costs, etc.⁴
- E. Although all schools have access to SARBs, there are wide ranges of application to and enforcement of the SARB policies and regulations. Some community-based boards go unfilled for lack of community or parental support.⁵

FINDINGS

- I. Each municipality in San Diego County has published guidelines on curfew violation and enforcement, and each school district in San Diego County has published guidelines on truancy violation and enforcement.
- II. There are unnecessary costs and counterproductive efforts in various communities resulting from inconsistent application and enforcement of truancy and curfew regulations from community to community.

¹ San Diego Sheriff's Department.

² *School Attendance Review Board (SARB) Handbook*.

³ San Diego County Office of Education, Attendance Division. Also, San Diego Police Department and San Diego County Sheriff's Department.

⁴ Oceanside Unified School District, Attendance and Intervention Office.

⁵ San Diego County Office of Education, Attendance Support Program.

- III. SARBs, although of unquestioned intent, are almost exclusively reactive to truants and the problems they create. There is very little which a SARB does that is proactive and interventional to avoid truancy.
- IV. Poor self-esteem, lack of confidence, poor socialization skills, lack of respect for authority, family and domestic problems (divorce, drug and alcohol abuse) are among the key indicators of developing truants and curfew violators.
- V. Children who drift into habitual violations of both truancy and curfew standards in their environments do so with parental ignorance or indifference, and such practices commence at early ages, before the high school and middle school years.
- VI. Significant, disturbing and direct relationships exist between juvenile delinquency, drug use, school drop out rates and life histories of truants and curfew violators.
- VII. Parental involvement with the successful growth and education of their children is essential. In those instances where parental involvement with the raising and education of their children is not or cannot be realized, alternative or substituted actions are either unavailable or awkward to arrange.
- VIII. California State law does not require a person to be a responsible parent to their child. Equally frustrating, California State law as *currently written* does not quickly or easily allow for agency substitutions of services to truant children or curfew violators where parents are unavailable or refuse to parent effectively.

RECOMMENDATIONS

That the Eighteen Incorporated Cities of San Diego County:

02-08: Adopt uniform curfew hours of 11:00pm to 5:00am, any evening, any day, any week.

That the San Diego County Sheriff's Department and all City Police Departments:

02-09: Enforce the rules of curfew equally, in all areas, all jurisdictions.

That the County Board of Supervisors:

- 02-10:** Implement a program that places emphasis on proactive interventions with small children at risk of truancy and curfew violation and their parents before the detrimental results of truancy and curfew violation occur.

That the Forty-two School Districts in San Diego County:

- 02-11:** Set up programs which integrate families and students in the development of self-esteem and mutual respect.

That the County Board of Supervisors:

- 02-12:** Propose legislation which would compel parents to be actively involved with their children to avoid trancies and curfew violations.

That the County Board of Supervisors:

- 02-13:** Propose legislation which would empower the Courts to intervene more efficiently and more rapidly with parental substitutions in those cases where parents are unavailable to parent their children.

REQUIREMENTS / INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. *Such comment shall be no later than 90 days after the Grand Jury submits its report to the public agency.* Also, every ELECTED county officer or agency head for which the Grand Jury has responsibility shall comment on the findings and recommendations pertaining to matters under the control of that county officer or agency head, as well as any agency or agencies which that officer or agency head supervises or controls. *Such comment shall be made within 60 days to the Presiding Judge of the Superior Court with an information copy sent to the Board of Supervisors.*

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:

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- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 is required from the:

Alpine Union School District	Recommendation: 02-11
Bonsall Union School District	Recommendation: 02-11
Borrego Springs Unified School District	Recommendation: 02-11
Cajon Valley Union School District	Recommendation: 02-11

Cardiff School District	Recommendation: 02-11
City Council of Carlsbad	Recommendation: 02-08
Carlsbad Police Department	Recommendation: 02-09
Carlsbad Unified School District	Recommendation: 02-11
City Council of Chula Vista	Recommendation: 02-08
Chula Vista Police Department	Recommendation: 02-09
Chula Vista Elementary School District	Recommendation: 02-11
City Council of Coronado	Recommendation: 02-08
Coronado Police Department	Recommendation: 02-09
Coronado Unified School District	Recommendation: 02-11
Dehesa School District	Recommendation: 02-11
City Council of Del Mar	Recommendation: 02-08
Del Mar Union School District	Recommendation: 02-11
City Council of El Cajon	Recommendation: 02-08
El Cajon Police Department	Recommendation: 02-09
City Council of Encinitas	Recommendation: 02-08
Encinitas Union School District	Recommendation: 02-11
City Council of Escondido	Recommendation: 02-08
Escondido Police Department	Recommendation: 02-09
Escondido Union School District	Recommendation: 02-11
Escondido Union High School District	Recommendation: 02-11
Fallbrook Union Elementary School District	Recommendation: 02-11

Fallbrook Union High School District	Recommendation: 02-11
Grossmont Union High School District	Recommendation: 02-11
City Council of Imperial Beach	Recommendation: 02-08
Jamul-Dulzura Union School District	Recommendation: 02-11
Julian Union School District	Recommendation: 02-11
Julian Union High School District	Recommendation: 02-11
City Council of La Mesa	Recommendation: 02-08
La Mesa Police Department	Recommendation : 02-09
La Mesa-Spring Valley School District	Recommendation: 02-11
Lakeside Union School District	Recommendation: 02-11
City Council of Lemon Grove	Recommendation: 02-08
Lemon Grove School District	Recommendation: 02-11
Mountain Empire Unified School District	Recommendation: 02-11
National School District	Recommendation: 02-11
City Council of National City	Recommendation: 02-08
National City Police Department	Recommendation: 02-09
City Council of Oceanside	Recommendation: 02-08
Oceanside Police Department	Recommendation: 02-09
Oceanside Unified School District	Recommendation: 02-11
City Council of Poway	Recommendation: 02-08
Poway Unified School District	Recommendation: 02-11

Ramona Unified School District	Recommendation: 02-11
Rancho Santa Fe School District	Recommendation: 02-11
City Council of San Diego	Recommendation: 02-08
San Diego Police Department	Recommendation: 02-09
San Diego Unified School District	Recommendation: 02-11
San Dieguito Union High School District	Recommendation: 02-11
City Council of San Marcos	Recommendation: 02-08
San Marcos Unified School District	Recommendation: 02-11
San Pasqual Union School District	Recommendation: 02-11
San Ysidro School District	Recommendation: 02-11
City Council of Santee	Recommendation: 02-08
Santee School District	Recommendation: 02-11
City Council of Solana Beach	Recommendation: 02-08
Solana Beach School District	Recommendation: 02-11
South Bay Union School District	Recommendation: 02-11
Spencer Valley School District	Recommendation: 02-11
Sweetwater Union High School District	Recommendation: 02-11
Vallecitos School District	Recommendation: 02-11
Valley Center-Pauma Unified School District	Recommendation: 02-11
City Council of Vista	Recommendation: 02-08
Vista Unified School District	Recommendation: 02-11
Warner Unified School District	Recommendation: 02-11

**San Diego County Sheriff's
Department**

Recommendation: 02-09

**San Diego County Board of
Supervisors**

**Recommendations: 02-10, 02-12,
02-13**